



DEPARTMENT OF PERSONNEL

209 E. Musser Street, Room 101
Carson City, Nevada 89701-4204
(775) 684-0150

MEMO PERD #44/99

December 1, 1999

**PERSONNEL COMMISSION MEETING
MINUTES OF SEPTEMBER 10, 1999**

I. CALL TO ORDER

The meeting was called to order by Chairman Manos at 8:10 a.m., September 10, 1999, at the Commission on Tourism, Carson City. Members present: Chairman Ted Manos and Commissioners Claudette Enus, Teo Gamboa and James Skaggs. Member absent: Victoria Riley. Also present were: Jeanne Greene and Carol Thomas from the Department of Personnel and Jim Spencer representing the Attorney General's office.

II. ADOPTION OF AGENDA

Commissioner Enus' motion to approve the agenda was seconded by Commissioner Gamboa and unanimously carried.

III. MINUTES OF PREVIOUS MEETING

The minutes of the June 4, 1999, Personnel Commission meeting were approved by acclamation.

IV. REGULATION CHANGES

Sections 1 through 12 were previously approved as temporary regulations at the December 17, 1998, and June 4, 1999, meetings of the Personnel Commission and would automatically expire on November 1, 1999. They were reviewed and revised by the Legislative Counsel Bureau and resubmitted for permanent adoption.

Sec. 1 NEW Pay Progression Date defined

Commissioner Skaggs' motion to adopt this new definition was seconded by Commissioner Enus and unanimously carried.

- Sec. 2 284.132 Temporary classifications*
- Sec. 3 284.134 Individual reclassification of position to higher level: Status of Incumbents*
- Sec. 4 284.138 Reclassification or reallocation of class or position to higher grade: Status of Incumbents*
- Sec. 5 284.140 Reclassification of a class or position to a lower grade: Status of Incumbents*
- Sec. 6 284.182 Date of record: Adjustment and retention of date*
- Sec. 7 284.186 Date of promotion coinciding with date of record*
- Sec. 8 284.194 Granting or withholding of increase in salary based on merit*

The amendments to Sections 2 through 8 standardizes the terminology used with the implementation of the new personnel/payroll system. Commissioner Enus' motion to adopt Sections 2 through 8 was seconded by Commissioner Skaggs and unanimously carried.

Sec. 9 284.589 Administrative leave with pay

This amendment, requested by the Employee-Management Committee (EMC), provides that administrative leave must be granted under certain circumstances. Commissioner Skaggs' motion to adopt Section 9 was seconded by Commissioner Gamboa.

Bob Gagnier, Executive Director, State of Nevada Employees Association (SNEA), requested an amendment to this regulation to also include appearances before a hearings officer of the Department of Personnel and the Personnel Commission.

Commissioner Skaggs' amended motion to include the additional language was seconded by Commissioner Enus.

Kareen Masters, Personnel Officer, Department of Human Resources, agreed with the additional language but recommended moving it from subsection 3(e) to subsection 2(c). Ms. Masters also recommended that limitations be placed on granting Administrative Leave to require two weeks advance notice and ensure the absence would not adversely impact agency services.

Commissioner Gamboa asked why Ms. Masters was requesting advance notice of two weeks, and she explained it was to be consistent with requests for other types of leave. Mr. Gagnier explained that advance notice was usually provided for EMC and Personnel Commission meetings; however, it was not always provided for appearances before a hearings officer. Chairman Manos suggested adding "unless such notice is impractical" which was agreed upon by Mr. Gagnier, Ms. Masters, and Jim Spencer.

Commissioner Skaggs' amended motion to also include the language suggested by Chairman Manos was seconded by Commissioner Enus and unanimously carried.

Sec. 10 284.602 Resignations

This amendment removes reference to form name *NPD-35*, which was made obsolete with the implementation of the new personnel/payroll system. Commissioner Skaggs' motion to adopt Section 10 was seconded by Commissioner Enus and unanimously carried

Sec. 11 284.614 Layoffs procedure

This amendment was necessitated by the amendment in Section 6 which changed the sequence of numbers in NAC 284.182. Commissioner Skaggs' motion to adopt Section 11 was seconded by Commissioner Enus and unanimously carried.

Sec. 12 284.726 Access to confidential records

This amendment provides the State Board of Examiners with access to an employee's file of employment under certain circumstances. Commissioner Enus' motion to adopt Section 12 was seconded by Commissioner Skaggs and unanimously carried.

The following Sections 1 through 11 were newly proposed for permanent adoption.

Sec. 1 284.070 "Nonclassified employee" defined

This amendment conforms with legislation passed by the 1999 State Legislature which removed employees in the Office of the Governor from classified and unclassified State service. Commissioner Skaggs' motion to adopt Section 1 was seconded by Commissioner Enus and unanimously carried.

Sec. 2 284.114 Affirmative action program and equal employment opportunity

This amendment conforms with legislation passed by the 1999 State Legislature which prohibits discrimination in employment based on sexual orientation. Commissioner Skaggs' motion to adopt Section 2 was seconded by Commissioner Enus and unanimously carried.

Sec. 3 284.126 Creation of a new class, reclassification of position or reallocation of existing class

This amendment to subsection 4 provides a cross reference to NAC 284.206 which authorizes a special salary adjustment when an employee does not meet the minimum qualifications for promotion. Commissioner Skaggs' motion to adopt Section 3 was seconded by Commissioner Enus and unanimously carried.

Sec. 4 284.132 Temporary classifications

This amendment provides for temporary classifications at a lower grade or at the same grade, in addition to those at a higher grade. Commissioner Skaggs' motion to adopt Section 4 was seconded by Commissioner Enus and unanimously carried.

Sec. 5 284.170 Initial rate of salary; effect of promotion, demotion, transfer, reappointment or reemployment; minimum step for continuous employee

This amendment to subsection 3(b) clarifies the rate of pay when an employee voluntarily demotes and his current salary does not fall within the lower grade. Commissioner Skaggs' motion to adopt Section 5 was seconded by Commissioner Enus and unanimously carried.

Sec. 6 284.206 Special adjustment to salaries

The amendment to subsection 1 is required by the deletion of subsection 6. The amendment to subsection 1(d) changes the name of Division of Mental Health and Developmental Services as approved by the 1999 State Legislature. The addition of subsection 1(i) provides for a special salary adjustment authorized by the Legislature. The addition of subsection 2 revises the special salary adjustment from 5% to 2.5% for an employee who does not meet the minimum qualifications for promotion when his position is reclassified one grade higher than his current position. The amendment to subsection 5 provides for clarification of the effective date of a special salary adjustment. The amendment to subsection 6 moves relevant language to subsection 1 of this section and NAC 284.170.

Commissioner Skaggs' motion to adopt Section 6 was seconded by Commissioner Enus and unanimously carried.

Sec. 7 284.210 Compensation for differentials in shifts

This amendment removes obsolete provisions in subsections 1 and 6. Shift differential pay is now 5% of an employee's regular hourly rate of pay. Commissioner Skaggs' motion to adopt Section 7 was seconded by Commissioner Enus and unanimously carried.

Sec. 8 284.290 Retained rates of pay

This amendment clarifies the provisions of a retained rate of pay. Commissioner Skaggs' motion to adopt Section 8 was seconded by Commissioner Enus and unanimously carried.

Sec. 9 284.364 Lists of persons with disabilities who are eligible for temporary limited appointments

This amendment clarifies the type of information which is considered by the Department of Personnel in its evaluation of job requirements as they related to persons with disabilities. Chairman Manos questioned whether the department was concerned with discrimination. Ms. Greene indicated the Department of Personnel's staff did not possess the skills to make determinations regarding disabling conditions and the limitations they imposed. There being no further discussion, Commissioner Skaggs' motion to adopt Section 9 was seconded by Commissioner Enus and unanimously carried.

Sec. 10 284.526 Computation of payments for holidays

This amendment to subsection 4(b) changes the name of Division of Mental Health and Developmental Services as approved by the 1999 State Legislature. Commissioner Enus' motion to adopt Section 10 was seconded by Commissioner Gamboa and unanimously carried.

Sec. 11 294.581 Family and medical leave: Eligibility

This amendment clarifies that catastrophic leave is treated the same as leave without pay for the purposes of determining holiday pay. Commissioner Enus' motion to adopt Section 11 was seconded by Commissioner Gamboa and unanimously carried.

V. PROHIBITIONS AND PENALTIES

**A. Department of Conservation & Natural Resources, Forestry Division
*Inmate Fraternization Policy***

Roy Trenoweth, State Forester, Division of Forestry, explained the policy identified the standards, prohibitions and penalties governing the relationship and conduct between division employees and inmates, parolees, probationers, other wards of the prison, and the families and friends of all such persons as required by both the division and the prison.

Commissioner Enus expressed concern with the definition of *incidental contact* because division employees may not immediately recognize persons as family members, friends or associates of inmates. Chairman Manos and Commissioner Enus suggested adding language to the effect that immediately upon recognition, the division employee excuse themselves. Mr. Trenoweth was in agreement with the additional language.

Bob Gagnier, Executive Director, SNEA, stated that modifications to this policy had already been made by Deputy Attorney General, Ronda Moore, and that the term *incidental contact* had been revised to read *as soon as reasonably possible, depending on the circumstances*. Because Mr. Gagnier did not have the changes in writing and Ms. Moore was not present, he asked that this issue be postponed and readdressed after the University and Community College System prohibitions and penalties were heard.

Chairman Manos tabled the item for half an hour.

B. University and Community College System of Nevada
A Guide for Classified Staff

Debra Olson, Director of Business Center North, Personnel Services, University and Community College System of Nevada (UCCSN), and Mary Dugan, Assistant General Counsel, UCCSN, introduced themselves. Ms. Olson stated the policy was a collaborative effort between all UCCSN campuses and their legal counsel office. The previously approved UNR and UNLV prohibitions and penalties were revised and language was updated. New sections were established for drug and alcohol use and the misuse of information technology. Ms. Olson stated the new prohibitions and penalties had been reviewed by their legal counsel, SNEA, and the Department of Personnel.

Commissioner Skaggs questioned Section G, Misuse of Information Technology, Item 2, *revealing passwords*, and C, Inexcusable Absences from the Job, with regards to the appropriateness of the proposed penalties.

Chairman Manos and Commissioner Skaggs suggested changing the penalty range in Section G for the first offense to Written Reprimand to Dismissal; for the second offense, Suspension Without Pay for no more than 5 days to Dismissal.

After further discussion, Commissioner Skaggs also recommended changing the penalty in Section C, Item 10, from five to three days.

Commissioner Enus suggested the penalty range in to Section E, Use of Alcoholic Beverages and Narcotics, Item 4, *convicted of violating any State or federal law prohibiting the sale of a controlled substance*, begin with something tougher than warnings for the first, second and additional offenses. Commissioner Skaggs agreed; Chairman Manos disagreed because the offenses were misdemeanors and not work related.

Jim Spencer urged the Commission to retain the current disciplinary range because it would be difficult to uphold dismissal when the offense occurred during off-duty hours. In addition, NAC 284.4061 provided a modality of treatment for people with drug or alcohol problems versus discipline.

After further discussion, Chairman Manos called for a motion. Commissioner Skaggs' motion to revise Section E, Item 4, as outlined above by Commissioner Enus; Section C, Item 10, and Section G, Item 2, as outlined above by Commissioner Skaggs, was seconded by Commissioner Enus and unanimously carried.

A. Department of Conservation & Natural Resources, Forestry Division
Inmate Fraternization Policy

Chairman Manos recalled this item. Deputy Attorney General, Ronda Moore, explained the revised policy contained non-material changes which were as discussed with Mr. Gagnier. Chairman Manos asked Mr. Gagnier if he was in agreement with the changes and Mr. Gagnier stated he was. Chairman Manos called for a motion to approve the revised prohibitions and penalties as submitted by Ms. Moore. Commissioner Enus' motion to approve was seconded by Commissioner Skaggs and unanimously carried.

VI. PETITION TO AMEND NAC 284.375 AND 284.377
Christopher Crawforth

Christopher Crawforth explained he had worked for the Division of Wildlife for five summers while attending college. His education was directed toward becoming a game warden for the Division of Wildlife. In September 1998, his father, Terry Crawforth, became Administrator of the Division of Wildlife; and in March 1999, he became aware that the nepotism regulations NAC 284.375 and 284.377 would prohibit him from working in the division. Mr. Crawforth agreed with nepotism regulations; however, he didn't believe these two regulations related to his situation because he was not in the direct line of supervision of his father. There would be three levels of supervision between him and his father if he were employed as a game warden. Additionally, Mr. Crawforth explained, as a permanent employee, he felt he would be "grandfathered in." He also felt that NAC 284.375 and 284.377 violated discrimination and right to work policies because they prohibited him from employment opportunities.

Jim Spencer, Sr. Deputy Attorney General, explained the history of the current policy. Mr. Spencer pointed out that NRS 281.210, created in 1925, would also prevent the division from hiring Mr. Crawforth as long as his father was the division administrator. Mr. Spencer explained the purpose of the statute and the process required to change it.

Bob Gagnier, SNEA, explained his role in the adoption of the current regulations and asked for Mr. Crawford's suggestions. Mr. Crawford stated he would like to amend the regulations to remove the language referring to direct line of supervision and keep the language regarding immediate supervision.

Chairman Manos recalled some instances of grandfathering in the rural areas when this regulation was approved, and suggested amending the regulations to remove the direct line of supervision clause and change it to two levels of supervisory authority.

Commissioner Enus pointed out that NRS 281.210 still superceded NAC 284.375 and 284.377; further, she didn't believe that either regulation discriminated or violated right to work policies.

Chairman Manos agreed that NRS 281.210 stood in Mr. Crawford's path, and the Commission had no authority to act upon amending NAC 284.375 and 284.377. Commissioner Skaggs' motion to deny the appeal was seconded by Commissioner Enus and unanimously carried.

VII. CLASSIFICATION - EXECUTIVE BRANCH AUDITOR
Department of Administration

Becky Moody, Chief of the Division of Internal Audit, Department of Administration, explained the Governor's intent in having a separate audit division which was staffed professionally and possessed the same credentials as the Legislative Counsel Bureau's Audit Division. The division would be used to perform the fundamental reviews the Governor mentioned in his State of the State address.

There being no discussion, Commissioner Skaggs' motion to approve the new classes was seconded by Commissioner Enus and unanimously carried.

VIII. CLASSIFICATION APPEALS

A. DEPUTY ADMINISTRATOR, WILDLIFE
Department of Conservation & Natural Resources

Freeman Johnson, Assistant Director, Department of Conservation & Natural Resources (DCNR), explained his opposition to the proposed grade 43 for the Deputy Administrator, Wildlife, making the following major points:

1. The position was similar to the Deputy State Forester, grade 42. Both positions relate to issues pertaining to natural resources and report to the administrator of their respective divisions; however,

MEMO PERD #44/99

December 1, 1999

Page 9 of 16

2. The wildlife deputy deals with more complex issues associated with budgeting, work program development, State and federal accounting requirements, natural science affecting Nevada's game populations, law enforcement, habitat management practices, predation and depredation policies and practices, hunter licensing and safety education, big game permitting, statewide personnel administration of over 200 employees, wildlife commission coordination, and legislative testimony.
3. The Deputy State Forester's scope of operations and span of control are less comprehensive in nature. The financial management function is performed by members of the Director's staff assigned to the Division of Forestry. The Division of Wildlife performs those functions independently.

Pete Morros, Director, DCNR, reviewed the history which moved the position from unclassified to classified service and indicated his support for grade 44.

Mary Day, Supervisory Personnel Analyst, introduced herself and Peggy Martin, Personnel Analyst from the Department of Personnel. Ms. Day explained the differences in all the deputy positions at DCNR and the rationale for the grade level recommendation based on the classification factors.

Ms. Day pointed out salary compaction was also considered in that the requested level, grade 44, would place the salary above that of the division administrator. She indicated grade 43 aligned the position with legislatively approved salaries for unclassified positions as well as subordinate positions within the classified service.

Terry Crawford, Administrator, Wildlife Division, DCNR, explained the complexity and history of the position and indicated there had been some difficulties regarding whether or not the position was a regular or non-regular reporter of hours and whether or not the position was entitled to overtime. Based on these considerations, he requested the position remain at a grade 44, retroactive to July 1, 1997.

Chairman Manos questioned Mr. Crawford's request to grant the appeal retroactive to July 1, 1997, because it had always been a grade 44. Chairman Manos indicated retroactivity had no effect on the position because it was simply a title change and the Commission's only decision was whether to downgrade it to grade 43 or leave it at grade 44. Chairman Manos did not see a problem with granting the appeal because the Commission has tried to allow agency heads as much discretion in hiring decisions as possible.

Commissioner Gamboa's motion to grant the appeal was seconded by Commissioner Enus and unanimously carried.

B. Barron Lauderbaugh, Cartographic/Graphics Technician IV, Tim Jennings, Arnold Haas, and Jim Macdonald, Cartographic/Graphics Technician III's
Department of Transportation

Barron Lauderbaugh, head of the Multimedia Publication Design Division of the Department of Transportation (NDOT), introduced himself, Arnold Haas, and Jenny Neill, Mr. Lauderbaugh's supervisor and Special Assistant to the Director of NDOT. There were three areas in the Department of Personnel's recommendation which they contested:

1. The mapping functions they performed in the cartography section of the Location Division transferred with them with they split off into the imagery section of the same division. During the study process, they split again and became their own division, working directly for the Director of NDOT and performing all the special mapping and graphics functions including those previously performed by the cartography section.
2. Mr. Lauderbaugh explained the differences in design visualization. In 1993, it was artist renderings, and today it is photo-simulations created by inputting information into a computer.
3. Their division is solely responsible for researching, updating, maintaining, reprogramming, and installing their own hardware and software. Computer Network Technician I's, grade 33, normally perform those duties within the department but were unfamiliar with MacIntosh equipment.
4. When they were part of the Location Division, Mr. Lauderbaugh was head of the Multi-Media Design Publication section and had full supervisory duties over three employees. When they became their own division, he became responsible for budgeting which also included signature authority.
5. The appellants felt their classes should be comparable to the Photogrammetrist/Cartographer class series.

Chairman Manos clarified that Mr. Lauderbaugh was currently a grade 34 asking for a grade 36, and the others were requesting upgrades from grade 31 to 33. Mr. Lauderbaugh, however, had been underfilling his position (budgeted at grade 33) at a grade 31, with a +5% for supervision, before receiving the upgrade to 34.

Tom Stephens, Director, Department of Transportation, explained the appellants had performed miracles over the past four years in providing information to the public and courts. The maps they created were more critical than the State maps. They translated plans and specifications into three-dimensional photo-simulations for the lay person to understand.

Commissioner Enus asked Mr. Stephens whether the appellants were working with the engineers in terms of the interpretation of the plans and specs, or did they make their own interpretations and develop the drawing. Mr. Stephens replied they worked with whomever was responsible for putting the plans together, i.e., attorneys, right of way specialists, engineers, and photogrammetrists. They combined creativity with technology; and he didn't know how to measure it, but felt they were at least as important as the Photogrammetrist/Cartographers who developed the maps to begin with.

Chairman Manos asked Mr. Stephens to describe the differences between the Cartographic/Graphics Technicians and the Photogrammetrist/Cartographers. Mr. Stephens replied the Photogrammetrist/Cartographers had to be highly technical and translate information onto plans which engineers would understand. They took aerial photographs using photogrammetric equipment and translated them into digital maps. The Cartographic/Graphics Technicians needed to understand the photogrammetry process in order to translate those maps into a visual presentation.

At Commissioner Enus' request, Mr. Lauderbaugh explained that he currently had full supervisory responsibility over three subordinates, and he determines and monitors his division's budgetary needs.

Shelley Blotter, Personnel Analyst, Department of Personnel, explained the appellants were appealing the Department's recommendation of a one-grade increase. That increase recognized the changes which occurred including how the work was performed, the wider variety of materials produced and the increased technical skills required due, in large part, to computer technology. Ms. Blotter reviewed the variety of work produced by the Cartographic/Graphics Technicians when the classes were last reviewed six years ago. She stated their general mission had not changed since the last occupational group study. With the advent of computers, many of the manual, labor intensive methods were eliminated. Technology actually changed some of the duties performed as well as organization of the work unit. Ms. Blotter compared the duties from 1993 to the present and pointed out the areas of change.

Ms. Blotter also explained the similarities as well as the differences between Photogrammetrist/Cartographers and Cartographic/Graphics Technicians in producing maps.

Commissioner Enus referred to Mr. Stephens statement that it was difficult to put a value on determining what the differences were. However, she saw a definite difference in the knowledge required between Cartographic/Graphics Technicians and Photogrammetrist/Cartographers.

Discussion continued on the differences of minimum qualifications required for each class.

Commissioner Enus' motion to deny the appeal was seconded by Commissioner Skaggs and carried with Commissioner Gamboa opposed.

C & D. Fred Suwe, Unemployment Insurance Officer II
Melinda Bydalek, Unemployment Insurance Officer I
Department of Employment, Training & Rehabilitation,
Employment Security Division

Fred Suwe, Integrity Programs Manager for Unemployment Insurance, represented himself and Melinda Bydalek. He was requesting reallocation to Employment Services Officer III, grade 39; however, a more appropriate title would be Unemployment Insurance Officer III. Mr. Suwe referred to the Department of Personnel's recommendation which stated the Department of Employment, Training & Rehabilitation (DETR) agreed there was no significant change to his position. This statement confused him because he felt his department supported his request for an upgrade.

Mr. Suwe introduced his supervisor, Nancy Oakley, and referred to a memo from Stan Jones, Administrator, Employment Security Division, both of whom supported his request. And, because allowances for possible upgrades were provided for in the department's biennium budget approved by the Legislature, he believed the director also supported it.

Mr. Suwe explained the history and reorganization of his division which resulted in additional duties being assigned to his position. Those new duties included preparing and monitoring his section's biennium budget and supervising two new programs as well as investigators at grade 37.

Peter Long, Personnel Analyst, Department of Personnel, stated that when he spoke to Carol Jackson, Director, DETR, she wasn't aware Mr. Suwe had assumed the duties of Integrity Programs Manager, and indicated she would speak with Mr. Jones to have this responsibility removed. It was Mr. Long's understanding that the duty had been taken away. In addition, Mr. Jones indicated a +5% for supervision would not be necessary because this duty was to be taken away.

Nancy Oakley, indicated that Mr. Suwe was supervising both programs and she was not aware of any instructions to remove those duties. He had not received any compensation for supervision since assuming the duties in January 1998.

Chris Anastassatos, Human Resources Manager, DETR, read aloud a memorandum from Mr. Jones which stated supervision of the Benefit Payment Control Manager position would fall under Ms. Oakley, therefore, making the +5% to Mr. Suwe unnecessary.

Commissioner Enus stated she was uncomfortable with what appeared to be communication issues within DETR. She didn't wish to continue with the appeal because of the confusion. Chairman Manos agreed and asked the Commissioners if they wanted to table the issue.

Ms. Bydalek indicated she was under doctor's orders to resign her position, and she was concerned about receiving retroactive pay should the Commission grant her appeal. Chairman Manos stated that if she resigned before the appeal was readdressed, she would still be entitled to any retroactive compensation awarded.

Commissioner Enus' motion to table the appeal was seconded by Commissioner Gamboa and unanimously carried. Chairman Manos stated this appeal would be reheard at the next Personnel Commission meeting.

**E. Walter McClellan and Patricia Anderson, Staff Specialist Right of Way
*Right of Way Division, Department of Transportation***

Patricia Anderson introduced herself and Walter McClellan. She explained they were both grade 37's and were seeking a reclassification to grade 38. Ms. Anderson also introduced their division head, Heidi Mireles, Chief Right of Way Agent.

Ms. Mireles introduced a letter prepared by the Assistant Director of Engineering, Susan Martinovich, who supported the appellants' request because of significant new duties. When Ms. Mireles became division head, she felt the positions were under utilized and could function better with more authority and responsibility. Ms. Mireles described the nature and scope of duties she had assigned and stated that a 5% increase was warranted and deserved.

In response to Chairman Manos' question, Ms. Anderson indicated she spent 50% of her time reviewing acquisitions of property for right of way purposes and benefits and payments to individuals or businesses being relocated and Mr. McClellan dealt with appraisals and property management functions. They provided the technical level of review and Ms. Mireles relied upon their expertise before approving.

Walter McClellan compared their positions to Workers' Compensation Staff Specialist, grade 38, and couldn't find any significant differences in knowledge, skills and abilities. However, he was told by the Department of Personnel their positions were not comparable to a class in a different occupational group requiring different work disciplines, minimum qualifications, and knowledge.

Peter Long explained the appellants' duties did not meet the requirements for upgrade because significant change could not be found. To compare Staff Specialist Right of Way to Workers' Compensation Staff Specialist when significant change did not exist, simply to determine parity and adjust compensation, was not only inappropriate but

outside the scope of the Department of Personnel's authority. Mr. Long reviewed the appellants' new duties including cross training in different disciplines within Right of Way and contracting services with independent contractors. These duties did not represent a higher level of complexity. Additionally, several duties the appellant's listed as new on their NPD-19's existed previously, were studied during the 1992 occupational group study, and determined to be at grade 37. Therefore, the appellant's duties were consistent with the class specification.

There was additional discussion regarding which duties were considered during the occupational study and the various positions classified as Staff Specialists.

Commissioner Gamboa's motion to grant the appeal was not seconded. Commissioner Skagg's motion to deny the appeal was seconded by Commissioner Enus. Chairman Manos asked Mr. Spencer what would happen if he opposed the motion and was told it would still be denied because the Commission did not take positive action to overturn the departments' decision. The motion to deny carried with Chairman Manos and Commissioner Gamboa opposed. Commissioner Enus stated her vote was a reluctant one; however, she could not see a significant change in duties based on the presentations.

F. Larry Carter, Grants & Projects Analyst Supervisor
Juvenile Justice Commission, Child & Family Services Division,
Department of Human Resources

Larry Carter reviewed the responsibilities and duties of his position which involved management of multiple grants regarding juvenile justice programs statewide. Mr. Carter stated he performed all of the functions of a Social Welfare Chief II, grade 40, and asked for reclassification to that class.

Stephen Shaw, Administrator, Child & Family Services Division (DCFS), explained the increased interest in the juvenile justice system and teenaged crime and Mr. Carter's role and responsibilities in the system. Mr. Shaw felt the position should be compensated above grade 38.

Wally Voskuil, Supervisory Personnel Analyst, Department of Personnel, recommended this position be reclassified to Social Welfare Program Specialist III, grade 37, because the duties did not fall within the scope and concepts of a Social Welfare Program Chief I or II. Mr. Carter's position had grown from managing a single grant program to developing multiple grants involving aspects of the juvenile justice system. Mr. Carter acts as liaison between DCFS and other entities in the administration of those programs. Mr. Carter supervises two Grants & Projects Analyst II's, grade 35. In contrast, Social Welfare Program Chiefs perform administrative, supervisory and managerial work in managing major social welfare programs.

Mr. Voskuil compared Mr. Carter's position to a Social Welfare Program Chief II, grade 40, at DCFS, which manages various child welfare programs and a Social Welfare Program Chief I, grade 38, in the Welfare Division.

Mr. Voskuil stated neither the variety and level of programs administered, the level of supervision exercised, nor the scope of responsibility of Mr. Carter's duties aligned with the Social Welfare Program Chief series. Mr. Voskuil recommended the position be reclassified to Social Welfare Program Specialist III, grade 37.

Mr. Carter and Mr. Shaw reiterated the importance of the multiple programs involved in managing the Juvenile Justice program.

Commissioner Skaggs' motion to grant the appeal and reclassify Mr. Carter to a Social Welfare Program Chief I, grade 38, was seconded by Commissioner Enus and unanimously carried.

G. Todd Koslowski, Plumber I

*Plumbing Division, Buildings & Grounds Department
University of Nevada, Reno*

Ray Martin, Plumbing Supervisor, University of Nevada, Reno, introduced Buzz Nelson, Assistant Vice-President of Financial Affairs; Greg Bagtalia, Physical Plant Assistant Director; Joe Greco, Facilities Supervisor; George Leoni, his supervisor; and Judy Hamilton, Office Manager. Mr. Martin stated they felt strongly about this appeal for Todd Koslowski because his duties were important and critical to the function and safety of all public buildings on campus.

Mr. Martin explained that Sierra Pacific Power had been mandated by the federal Safe Drinking Water Act to have all buildings owned by the University upgraded and backflow compliant within the next five years to prevent water contamination. This required a specialist to perform field audits, layout, design and training. The appellant was a certified specialist and was in charge of the Backflow Division within the Plumbing Department, supervising a full-time Plumber I, a student worker, and contractors and inmates during special projects.

In response to Chairman Manos' questions, backflow operations were defined and discussed. Mr. Martin spends 100% of his time performing backflow installation along with supervising two other people.

Doug Foster, Personnel Analyst, Business Center North - Personnel Services, UCCSN, explained that when Mr. Kozlowski's NPD-19 was received in his office, there was no supervision involved. The supervision of one full-time, and one part-time employee was new and he was not aware of it. Mr. Foster's denial of the reclassification request was based on his findings that installation of backflow devices was not specialized and

MEMO PERD #44/99

December 1, 1999

Page 16 of 16

that leadwork supervision was not required on a full-time continual basis. Mr. Foster proceeded to explain the duties and how they related to the Plumber I class specification.

Mr. Foster addressed Mr. Kozlowski's supervision of contractors and general labor stating he provided work direction for special projects and did not have full supervisory responsibility. The concepts for Plumber II require incumbents to have full supervisory responsibility over lower level plumbers.

Chairman Manos requested clarification on Mr. Kozlowski's supervisory responsibilities, and it was confirmed Mr. Kozlowski provided work direction to five Plumber I's assisting in the installation of the backflow devices and had full supervisory responsibility over one Plumber I.

Chairman Manos proposed granting the appeal to Plumber II, grade 32, and called for a motion. Commissioner Enus' motion to approve was seconded by Commissioner Gamboa and carried with Commissioner Skaggs opposed.

IX. UNCONTESTED CLASSIFICATION ACTION REPORT

No action required.

X. SELECTIVE CERTIFICATION

No action required.

XI. SPECIAL REPORTS

There were none.

XII. COMMENTS BY THE GENERAL PUBLIC

There were none.

XIII. SELECT DATE FOR NEXT MEETING

Meeting set for Thursday, December 16, 1999, to be held in Las Vegas, Nevada.

XIV. ADJOURNMENT

Commissioner Enus' motion to adjourn at 1:20 p.m. was seconded by Commissioner Skaggs and unanimously carried.